

Department of Community Planning and Economic Development – Planning Division
Final Plat
PL-254

Date: October 31, 2011

Applicant: Norm Bjornnes, Oaks Properties and the Metropolitan Council

Address of Property: 3550 - 46th Street East (aka 4536 - 36th Avenue South)

Project Name: Oaks Station Place

Contact Person and Phone: Norm Bjornnes – Oaks Properties 612-874-1102
Mary Sue Abel – Metropolitan Council 612-349-7679

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: September 16, 2011

End of 60-Day Decision Period: November 15, 2011

Ward: 12 **Neighborhood Organization:** Standish-Ericsson

Existing Zoning: C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District, and AP Airport Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 33 and 34

Legal Description: See attached plat.

Proposed Use: Final plat.

Applicable zoning code provisions: Chapter 527, Planned Unit Developments and Chapter 598, Subdivisions.

Background: Oaks Properties and the Metropolitan Council made applications to allow the transfer of property that is currently part of the 46th Street LRT Station parcel to be sold to Oaks Properties for the construction of a 104 unit multi-family residential building with ground floor commercial space. Oaks Properties was the applicant for the Planned Unit Development and the Site Plan Review applications required for the new building (BZZ-5146). The Metropolitan Council was the applicant for the street vacation of 36th Avenue South, which ran through the site (Vac-1583). Oaks Properties and the Metropolitan Council were joint applicants for the preliminary replatting of the site (PL-254). All

applications were reviewed as one project and were approved by the City Planning Commission on May 23, 2011, and by the City Council, on appeal, on July 1, 2011.

The applicants now request approval of the final plat as required by the planned unit development regulations.

The City Attorney has reviewed and approved the final plat title documents.

Required Findings:

1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

The proposed lots are in conformance with the zoning ordinance and comprehensive plan. Plats that are part of a planned unit development are exempt from the public street frontage and subdivision design standards of Sections 598.230-598.250. However, the subdivision is in conformance with the street frontage requirement of the subdivision ordinance, but access to the building is across the lot that will be retained by the Metropolitan Council. An easement will be created to ensure this access.

2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The proposed subdivision will create three lots out of excess right-of-way and platted lots that are currently part of the 46th Street LRT Station parcel. This will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public street with the approval of the associated site plan, TDMP, stormwater management and erosion control plans, and the recommended conditions of approval for the associated land use applications.

3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.

The site is relatively flat and does not present the above noted hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

A site plan addressing these issues is required before building permits may be issued. Access is from 46th Street East. A final site plan was approved by Planning and Public Works staff on September 20, 2011 (PW#8527).

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

A stormwater management and erosion control plan was approved as a part of the final site plan approval (PW#8527).

RECOMMENDATION

Recommendation of the Community Planning and Economic Development Department – Planning Division for the final subdivision plat:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the final subdivision plat for property located at 3550 – 46th Street East, subject to the following conditions:

1) The easements for the building and for the pedestrian and vehicular access shall be reviewed by Planning staff and shall be finalized at the time of the recording of the final plat.

Attachments:

- 1) Zoning map.
- 2) Final plat.
- 3) Aerial photo.